

REMARKS

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Claims 1 through 4, 6 through 13, and 15 through 19 are now in this case. Claims 1, 8, and 15 are amended.

Claims 1 through 4, 6 through 13, and 15 through 19 were rejected under §103 as unpatentable over the Rabowsky reference¹ in view of the Merces et al. reference². The Examiner asserted that the Rabowsky reference teaches all of the elements of the independent claims, except that it fails to disclose that its automation and scheduling system can control at least one facility element within the selected location at the selected time. The Examiner found that the Merces et al. reference provides such teachings, relative to its discussion of the control of auditorium lights and curtains, and that the skilled reader would have been motivated to combine these teachings to reduce the amount of interaction by the operator, and thus improve efficiency.³

Specific teachings regarding the dependent claims were found by the Examiner to be present in one or the other of the applied references, or by way of Official Notice.⁴

Claim 1 is amended to overcome the rejection of it and its dependent claims. Amended claim 1 now recites that each data presentation unit is operable to present features according to attributes of the data presentation unit related to such presentation; the specification provides examples of such attributes, including the type of video display, audio output, and decompression functionality.⁵ The server of the system of amended claim 1 is now recited as operable to determine restrictions applicable to a selected feature, such restrictions comprising

¹ U.S. Patent No. 6,141,530, issued October 31, 2000 to Rabowsky.

² U.S. Patent No. 6,384,893, issued May 7, 2002 to Merces et al.

³ Office Action of December 12, 2005, page 4.

⁴ *Id.*, pages 5 through 8.

⁵ Specification of S.N. 09/731,415, paragraph [0048] (*referring to* U.S. Patent Application Publication No. US 2002/0069107 A1).

restrictions that are indicative of data presentation unit attributes useful for the presentation of that feature,⁶ and operable to select one of the plurality of locations at which to present that feature based on a comparison of the restrictions applicable to the selected feature, and the attributes of the data presentation unit at the selected location.⁷ The system of amended claim 1 and its dependent claims is advantageous over conventional systems, in that it provides automated optimization of the scheduling of features, promotional content, and the like in multiple-screen installations.⁸ In addition, as previously argued, the system of amended claim 1 provides centralized and integrated control of not only the video information presented at a remote location, but also in the centralized and integrated control of the video facilities in a manner that is synchronized with the video being presented.

Applicant submits that the combined teachings of the applied references fall short of the requirements of amended claim 1 and its dependent claims. Nowhere does either of the Rabowsky reference or the Mercs et al. reference disclose a server that is operable to match feature restrictions with the attributes of the data presentation units (*e.g.*, projectors) in selecting a location for the feature to be presented, as required by the system of amended claim 1. To the extent that the Rabowsky reference discloses scheduling of control of a facility element within the selected location, it discloses only such scheduling in response to a playback schedule, listing authorized playback times, that is contained within the bit stream for that feature as provided by the headend, as may be later modified by operator input.⁹ Nowhere does the Rabowsky reference disclose the operating of a server to select a presentation location based on a comparison of data presentation unit attributes with presentation-related attributes of the feature, as required by amended claim 1. Nor does the Mercs et al. reference add any teachings in this regard. Rather, the projectors at each projection room of the cinema according to the Mercs et al. reference is projecting the contents of film reels;¹⁰ at best, one can only presume that the scheduling of its feature presentations is accomplished manually, and implemented by physically

⁶ See specification, *supra*, paragraphs [0043] and [0048].

⁷ See specification, *supra*, paragraphs [0048].

⁸ See specification, *supra*, paragraph [0038].

⁹ Rabowsky, *supra*, column 12, lines 9 through 20.

¹⁰ Mercs et al., *supra*, column 5, lines 12 through 14.

transporting film reels to the various projectors. Accordingly, Applicant submits that the combined teachings of the Rabowsky and Meres et al. references fall short of the requirements of amended claim 1, because neither reference discloses a server that is operable to select one of a plurality of locations at which to present a selected feature based on a comparison of restrictions applicable to the selected feature and attributes of the data presentation unit at the selected location, as required by these claims.

Applicant further respectfully submits that there is no suggestion from the prior art to modify these teachings in such a manner as to reach amended claim 1. Neither of the applied references mentions or suggests different attributes of presentation units at different locations within their systems, nor suggests that various features may have different restrictions regarding the presentation of those features on presentation equipment. Because there is no suggestion of any such differences, there can be no suggestion to modify these teachings to provide a server that operates to select presentation locations by matching such feature restrictions and presentation unit attributes, as performed by the system of amended claim 1 and its dependent claims.

For these reasons, Applicant submits that amended claim 1 and its dependent claims are patentably distinct over the prior art of record in this case.

Claim 8 is amended in similar fashion as claim 1, discussed above. As such, the scheduler and controller of amended claim 8 now requires a scheduling and control process, resident on its server, that determines restrictions applicable to a selected feature that are indicative of data presentation unit attributes useful for the presentation of that feature, and that selects a location remote from the server having a data presentation unit in which to present the selected feature based on a comparison of the restrictions applicable to the selected feature with attributes of the data presentation unit at the selected location. The specification clearly supports these added features of the scheduler and controller of amended claim 8,¹¹ and as such no new matter is presented by this amendment to claim 8. The scheduler and controller of claim 8 and

¹¹ Specification, *supra*, paragraphs [0043] and [0048].

its dependent claims 9 through 13 provides the important advantages of automated optimization of the scheduling of features and associated content, which can be otherwise quite complicated in multiple-screen video facilities, while also providing centralized and integrated control of the video facilities in a manner that is synchronized with the video content being presented.

Similarly as discussed above relative to amended claim 1, Applicant submits that the combined teachings of the applied references fall short of the requirements of amended claim 8 and its dependent claims. Nowhere does either of the Rabowsky reference or the Merces et al. reference disclose a scheduling and control process, resident on a server, that is operable to match feature restrictions with the attributes of the data presentation units (*e.g.*, projectors) in selecting a location for the feature to be presented, as required by amended claim 8. The Rabowsky reference at most discloses the scheduling of content playback based on a playback schedule of authorized playback times contained within the feature bit stream from the system headend.¹² The Merces et al. reference adds no teachings in this regard, considering that the video content presented by its projectors is on film reels,¹³ indicating that its feature scheduling is necessarily a manual process that involves physically transporting film reels to the projectors. Neither reference therefore teaches a server process that selects a presentation location from a based on a comparison of data presentation unit attributes with presentation-related attributes of the feature, as required by amended claim 8. The combined teachings of the Rabowsky and Merces et al. references therefore fall short of the requirements of amended claim 8.

Nor is there suggestion from the prior art to modify these teachings as necessary to reach the requirements of amended claim 8. This lack of suggestion is apparent from the absence of any mention, in these references, of different attributes of their projectors or presentation units within their systems, and from the absence of any mention that the content to be presented on those projectors have different restrictions regarding how the content can be presented. Because the attributes and restrictions to be compared are not mentioned by the prior art, there can be no suggestion to modify the teachings of these references to provide a server process that selects

¹² Rabowsky, *supra*, column 12, lines 9 through 20.

¹³ Merces et al., *supra*, column 5, lines 12 through 14.

presentation locations by matching such feature restrictions and presentation unit attributes, as performed by the scheduler and controller of amended claim 8 and its dependent claims.

For these reasons, Applicant submits that amended claim 8 and its dependent claims 9 through 13 are patentably distinct over the prior art of record in this case.

Independent method claim 15 is also similarly amended as discussed above relative to claims 1 and 8. To summarize, the determining step of amended claim 15 now requires the determining of restrictions applicable to a selected feature, using a computer, in which the restrictions comprise restrictions indicative of data presentation unit attributes useful to present that selected feature. The step of selecting a location, in amended claim 15, now requires using the computer to select the location based on a comparison of attributes of the data presentation unit useful for the presentation of data and the restrictions applicable to the selected feature. Because of the clear support for this amendment to claim 15 in the specification,¹⁴ Applicant submits that no new matter is presented by this amendment to claim 15.

For similar reasons as discussed above relative to claims 1 and 8, Applicant submits that amended claim 15 and its dependent claims 16 through 19 are patentably distinct over the Rabowsky and Mercs et al. reference, properly combined.

Applicant first submits that the combined teachings of the applied references fall short of the requirements of amended claim 15. Nowhere does either of the Rabowsky and Mercs et al. references teach the determining of restrictions applicable to a feature to be presented, where the restrictions are indicative of the data presentation unit attributes useful to present that feature, nor does either reference disclose the using of a computer to select a location for such presentation based on a comparison of attributes of the various data presentation units at the remote locations to these restrictions of the selected feature, as required by amended claim 15. Rather, the Rabowsky reference at most discloses that the playback schedule for the content to be displayed is contained within the content bitstream sent to the theatre location from the headend of its system, while the Mercs et al. reference apparently involves a manual scheduling approach,

¹⁴ Specification, *supra*, paragraphs [0043] and [0048].

involving physical transporting of film reels containing the content to its various projectors. Accordingly, Applicant submits that the combined teachings of the applied references fall short of the requirements of amended claim 15.

Applicant further submits that there is no suggestion to modify these teachings, even if combined, in a manner that reaches amended claim 15. Neither of the Rabowsky or Merces et al. references mentions or hints that its projectors or presentation units have different attributes related to the presentation of data or content, nor mentions or hints that the various content to be presented in their systems have restrictions indicative of such attributes; as such, there can be no suggestion to modify the teachings of these references to provide a computer-based selecting of the location to present a selected content item based on a comparison of such restrictions and attributes. Considering the advantages provided by the method of claim 15 in providing such an automated method for scheduling the presentation of such content, such advantages stemming directly from the differences between the claimed method and the prior art, Applicant therefore respectfully submits that the method of claim 15 and its dependent claims is not suggested or obvious in view of the Rabowsky and Merces et al. references.

For these reasons, Applicant submits that amended claim 15 and its dependent claims 16 through 19 are also patentably distinct over the prior art of record in this case.

Applicant therefore respectfully submits that, upon entry of this amendment, all claims now in this case are in condition for allowance. Reconsideration of this application based on this amendment and these remarks is respectfully requested.

Respectfully submitted,

/Rodney M. Anderson/

Rodney M. Anderson

Registry No. 31,939

Attorney for Applicant

May 12, 2006

Anderson, Levine & Lintel, L.L.P.

14785 Preston Road, Suite 650

Dallas, Texas 75254

(972) 664-9554